

**M I L L E R   &   V A N   E A T O N**  
**— P. L. L. C. —**

MATTHEW C. AMES  
KENNETH A. BRUNETTI†  
FREDERICK E. ELLROD III  
MARCI L. FRISCHKORN  
MITSUKO R. HERRERA†  
WILLIAM L. LOWERY

1155 CONNECTICUT AVENUE, N.W.  
SUITE 1000  
WASHINGTON, D.C. 20036-4320  
TELEPHONE (202) 785-0600  
FAX (202) 785-1234

WILLIAM R. MALONE  
NICHOLAS P. MILLER  
HOLLY L. SAURER  
JOSEPH VAN EATON

† Admitted to Practice in  
California Only

**MILLER & VAN EATON, L.L.P.**  
400 MONTGOMERY STREET  
SUITE 501

SAN FRANCISCO, CALIFORNIA 94104-1215  
TELEPHONE (415) 477-3650  
FAX (415) 477-3652

WWW.MILLERVANEATON.COM

Incorporating the Practice of  
Miller & Holbrooke

OF COUNSEL:

JAMES R. HOBSON  
GERARD L. LEDERER\*\*  
JOHN F. NOBLE

\*\* Admitted to Practice in  
New Jersey Only

March 29, 2002

William F. Caton, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: CC94-102, ex parte communication

Dear Mr. Caton:

Pursuant to Section 1.1206 of the Rules, this is to advise that Robert M. Gurss, representing the Association of Public-Safety Communications Officials International, Inc. ("APCO") and the undersigned, representing the National Emergency Number Association ("NENA"), met with Sam Feder, legal advisor for wireless matters in the office of Commissioner Kevin Martin.

We reviewed our two associations' record filings on the subjects of non-service-initialized ("NSI") phones when used to call 9-1-1 and Phase II E-9-1-1 waivers, particularly those waiver modification requests pending from GSM carriers VoiceStream, AT&T Wireless and Cingular Wireless.

On the first topic of NSI phones, we added discussion of harassing calls which are difficult to trace and to shut down, if found, but which consume inordinately both 9-1-1 channel capacity and resources. We promised to present the FCC soon with a request for clarification that the "forward all calls" theme of the 9-1-1 regulations would not preclude local authorities, working with carriers, from shutting off service to phones used in such an abusive fashion.

The attached sheet was left with Mr. Feder. Please direct any questions to the undersigned or to Bob Gurss.

Sincerely,

James R. Hobson

cc: Sam Feder, Bob Gurss

1. Waivers
  - a) big six national carriers
  - b) others
  - c) what do we think of Martin's two points (see below), especially automatic penalties?
  - d) status of consent decrees, both pending negotiations and others perhaps to come
2. Lingering implementation factors that need to be decided
  - a) King County recon
  - b) Richardson
  - c) VS waiver grant recon
3. Old issues with new push
  - a) NSI phones
    - i) harassing calls and the "must forward" doctrine
    - ii) relationship of doctrine to "choking" of harassing or redundant calls
  - b) accidental calls
  - c) Hatfield inquiry, 1st forum, 4/15/02
  - d) "push-button" phones
    - i) backdoor to 911, through private call centers, 7-10-digit number access
    - ii) often no callback
    - iii) maybe location, but not integrated into selective routing
4. Emerging issues
  - a) effects of LNP and NP on 911
  - b) RBOCs and prohibition on transmissions of 911 data across LATA boundaries
  - c) are surcharges taxes or fees?
  - d) privacy and individual health information (does HIPAA apply?)

MARTIN EXPRESSES SUPPORT FOR  
'E911' DEPLOYMENT, 700 MHz AUCTION

FCC Commissioner Kevin Martin today said implementation of enhanced "911" (E911) services for wireless carriers was one of his top priorities. Unlike other FCC efforts, such as creating competitive markets or developing a vibrant communications infrastructure, E911 would help save lives, he said.

In a breakfast meeting with reporters, Commissioner Martin offered two guiding principles he would like to see in future E911 implementation schedules: (1) interim milestones that can be achieved and measured for carrier's that can't meet the standard deployment schedule; and (2) automatic penalties for the failure to meet those interim milestones. [Excerpt, TR Daily, 3/28/02]